REMARKS

After entry of the foregoing amendment, claims 1-29 remain pending in the application.

The objection to the specification relating to incorporation by reference is respectfully traversed. On reviewing the MPEP, the undersigned can find no requirement that applicants must incorporate only particularly-identified subject matter within a document incorporated by reference. Instead, incorporation by reference of documents in their entireties seems authorized. See MPEP § 608.01(p) and 2163.07(b).

Regarding the provisional obviousness-type double-patenting rejection, the Office is requested to detail the analysis underlying the rejection. See MPEP § 804.II.B.1.

The § 112 rejection of claim 23 is respectfully traversed. Enabling support is found, e.g., at paragraph [0044], which notes, "..., the ID extractor can send a warning message to the web site operator, informing the operator that the web site content should be re-directed to a particular set of content or address at a particular time." *See also* paragraphs [0041] – [0043], and the earlier discussion concerning synchronization.

Paragraph [0044] has been amended to literally include the language of claim 23 (which forms part of the specification as originally filed).

Claims 1-8, 11-16, and 18-29 are rejected as anticipated by present inventor Levy's publication 20020162118.

As noted in the action, Levy has various similarities with the claimed arrangements. But it does not anticipate.

In particular, note that independent claim 1 requires the act of "*posting...content*" This follows the act of *identifying* content in the preceding claim limitation, and is dependent on that act.

The cited Levy reference does not undertake an action of "posting" that is dependent on (and thus follows) identification of corresponding content.

Although this temporal requirement is believed inherent in the originally-filed claim (*e.g.*, the content cannot be *posted* until it is *identified*), the claim has been amended to state "*after the corresponding network content thereby has been identified, posting…*" to make this requirement still clearer.

Turning to independent claim 24, Levy does not teach a system for "*synchronizing web content … with broadcast content*," including ensuring that corresponding web content "*is posted and accessible … when the corresponding broadcast programming is broadcast*," as claimed.

Moreover, note that the claim refers to "a URL" at which web content is accessed. The claim requires that web content corresponding to the broadcast programming be posted and accessible at this URL. This is different than the arrangement in Levy, in which – as different broadcast content plays – different URLs are available to viewers.

A minor change has been made to claim 24 to make the claim more definite: the "extractable" language has been changed to more affirmatively recite the extraction performed by the web site control. This amendment is not being made to overcome any rejection, but simply to improve the claim. (The "*and accessible via*" language has been removed.)

For brevity's sake, these remarks have only addressed certain of the claims, and have detailed only certain of the distinctions between the claims and the art. However, such discussion is believed sufficient to establish the allowability of all pending claims. Thus, Applicants do not further belabor this paper with other arguments concerning the rejections, the art, and the claims – all of which are reserved for possible later presentation.

Respectfully submitted,

Date: May 23, 2008

DIGIMARC CORPORATION

CUSTOMER NUMBER 23735

Phone: 503-469-4800
FAX 503-469-4777

By /William Y. Conwell/
William Y. Conwell
Registration No. 31,943